

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

DEC 12 2005

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,

Defendants.

MATTHEW J. DYKMAN  
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Rio Nutrias, Section 3

**Subfile No.: CHNU-001-0001**

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

JUAN R. MONTANO

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Nutrias, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama

Stream System, Rio Nutrias, Section 3, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 01975 A & B

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Water of the Rio Nutrias, a tributary of the Chama River.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** Acquia Perfecto Esquibel

**Location:** X= 1,587,164 feet Y= 2,043,785 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 01, Township 27N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$  34.1 acres

Pt. NW $\frac{1}{4}$  7.5 acres

Pt. SE $\frac{1}{4}$  64.1 acres

Section 06, Township 27N, Range 05E, N.M.P.M.

Pt. NW $\frac{1}{4}$  95.6 acres

Pt. SW $\frac{1}{4}$  15.4 acres

Section 31, Township 27N, Range 05E, N.M.P.M.

Pt. SW $\frac{1}{4}$  1.0 acres

Total 217.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-001-0001

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Nutrias, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Nutrias, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

A handwritten signature in black ink, appearing to read "Bruce D. Black", written over a horizontal line.

UNITED STATES DISTRICT JUDGE

Recommended for approval:

Nick L. Gabin

SPECIAL MASTER

SIGNATURE Juan Montano  
JUAN R. MONTANO

ADDRESS: P.O. Box 247

Tierra Amarilla

N. M. 87575

DATE: 8/29/05

Ed NEWVILLE  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

9.1.05  
Date

THE EXHIBITS ATTACHED TO THIS  
PLEADING ARE TOO VOLUMINOUS TO  
SCAN. SAID EXHIBITS ARE ATTACHED  
TO THE ORIGINAL PLEADING IN THE  
CASE FILE WHICH IS LOCATED IN THE  
RECORDS DEPARTMENT, U.S.  
DISTRICT COURT CLERK'S OFFICE.